#477

BILL NO. Z-91-06-09

ZONING MAP ORDINANCE NO. Z-13-91

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. E-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-1 (Single Family Residential) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Part of the NE ¼ of Sec. 7, T 30 N, R 12 E commencing at the SW corner of said NE ¼ Section; thence S 88 degrees 49 minutes E on and along the S line of said NE ¼ Section a distance of 2199.5 feet to a point on the W line of Westmoor Extended Addition; thence N 00 degrees 17 minutes E on and along the W line of said addition, a distance of 309 feet to the true point of beginning; thence N 00 degrees 17 minutes E, a distance of approximately 465 feet to the NW corner of lot 85 in said addition; thence W and parallel to the south line of said ¼ Section a distance of approximately 565 feet to a point on the W line of lot 59 of Breconshire Phase 3; thence S and parallel with the W line of Westmoor Extended Addition approximately 420 feet to a point on the S line of lot 54 of Breconshire Phase 3; thence S along the south property lines of Lots 54 and 55 to a point which is also the NE corner of a 2.88 acre tract of land conveyed to Poplar Ridge Apartments of Fort Wayne III, Limited Partnership, by deed dated March 21, 1988 and recorded in Document #88-009936 in the office of the Allen County Recorder; thence S 28 degrees 06 minutes E (recorded S 29 degrees 12 minutes 55 seconds East) on and along the Northeasterly line of said 2.88 tract, a distance of 305.97 feet to the most Easterly corner thereof; thence N 70 degrees 38 minutes 35 seconds E, a distance of 168.45 feet; thence N 35 degrees 08 minutes East, a distance of 168.61 feet; thence S 89 degrees 43 minutes East, a distance of 94.18 feet to the true point of beginning.

and the symbols of the City of Fort Wayne Zoning Map No. E-2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the

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Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Henry, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Legislative (and the City Plan Commission for recommendation) and Public Hearing to be held af due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, da of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATED: 6-11-91.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Redd, and duly adopted, placed on its passage PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	9			
BRADBURY	✓			
BURNS	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG	✓			
REDD	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 7-9-91.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ (~~SPECIAL~~) (ZONING MAP) ~~ORDINANCE~~ RESOLUTION NO. Z-13-91. on the 9th day of July, 19 91

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of July, 19 91 at the hour of 4:00 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of July, 19 91, at the hour of 6:15 o'clock P M.,E.S.T.

PAUL HELMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS BOYCE FORMS SYSTEMS, MUNCIE, IN.

GENERAL FORM NO. 357

RECEIPT

№ 10838

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., 5-15 1991

RECEIVED FROM Westbridge Co Inc. $ 100.00

THE SUM OF One hundred + 00/100 DOLLARS

ON ACCOUNT OF Stems Buccanshire Phase III + V

for rezoning RA & R-

#1067

PAID BY: CASH ☐ CHECK ☑ M.O. ☐

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

Map E-2

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We The Westbridge Company, Inc.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an R-1 District the property described as follows:

See Attached

~~Lots 55 thru 59 and Lots 82 thru 95 of Breconshire Addition~~ Breconshire Addition + Attached

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

Breconshire Phase III + Phase V
(Portions of Both Phase)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

M. Jack Powell, Jr. President

(Name) (Address) (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordina being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whi it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the mat for hearing before the City Plan Commission. (FILING FEE $100.00)

Name and address of the preparer, attorney or agent.

M. Jack Powell Jr. — 8721 Brookwater Drive 46801 — 432-9361 / 420-202
(Name) (Address & Zip Code) (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Heari approximately ten (10) days prior to the meeting.

Part of the NE ¼ of Sec. 7, T 30 N, R 12 E commencing at the SW corner of said NE ¼ Section; thence S 88 degrees 49 minutes E on and along the S line of said NE ¼ Section a distance of 2199.5 feet to a point on the W line of Westmoor Extended Addition; thence N 00 degrees 17 minutes E on and along the W line of said addition, a distance of 309 feet to the true point of beginning; thence N 00 degrees 17 minutes E, a distance of approximately 465 feet to the NW corner of lot 85 in said addition; thence W and parallel to the south line of said ¼ Section a distance of approximately 565 feet to a point on the W line of lot 59 of Breconshire Phase 3; thence S and parallel with the W line of Westmoor Extended Addition approximately 420 feet to a point on the S line of lot 54 of Breconshire Phase 3; thence S along the south property lines of Lots 54 and 55 to a point which is also the NE corner of a 2.88 acre tract of land conveyed to Poplar Ridge Apartments of Fort Wayne III, Limited Partnership, by deed dated March 21, 1988 and recorded in Document #88-009936 in the office of the Allen County Recorder; thence S 28 degrees 06 minutes E (recorded S 29 degrees 12 minutes 55 seconds East) on and along the Northeasterly line of said 2.88 tract, a distance of 305.97 feet to the most Easterly corner thereof; thence N 70 degrees 38 minutes 35 seconds E, a distance of 168.45 feet; thence N 35 degrees 08 minutes East, a distance of 168.61 feet; thence S 89 degrees 43 minutes East, a distance of 94.18 feet to the true point of beginning.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 11, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-06-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 17, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held June 24, 1991.

Certified and signed this
26th day of June 1991.

Robert Hutner
Secretary

FACT SHEET

Z-91-06-09
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment From RA to R-1		

DETAILS

Specific Location and/or Address

Portions of Breconshire Subdivision Phases III and V.

Reason for Project

To provide continuity of zoning designations in the Breconshire Subdivision.

Discussion (Including relationship to other Council actions)

17 June 1991 - Public Hearing

Zorb Tazian, engineer, representing the Westbridge Company, stated that they are requesting the downzoning in accordance with a letter from the staff that stated it would like to see the area downzoned to R-1. He stated that currently the RA and R-1 zoning crosses some of the existing and proposed lot lines and this rezoning would make the zoning consistent with the use. He stated that the developer has no objection to the requested rezoning.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

24 June 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote. Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** The Westbridge Company **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 15 May 1991

Projected Completion or Occupancy — Date 26 June 1991

Fact Sheet Prepared by — Date 26 June 1991

Patricia Biancaniello

Reviewed by Michael A. Sapp — Date 27 June 1991

Reference or Case Number

#477 ORIGINAL ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Portions of Breconshire Subdivision Phases III and V.

2-91-06-09

EFFECT OF PASSAGE Property is presently zoned RA - Suburban Residential. Property will become R-1 - Single Family Residential.

EFFECT OF NON-PASSAGE Property will remain zoned RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

BILL NO. Z-91-06-09

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne Zoning Map No. E-2

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

DO PASS	DO NOT PASS	ABSTAIN	NO REC
David C. Long			
C.H. Edmonds			
J.G. Bradbury			
D. Schmidt			

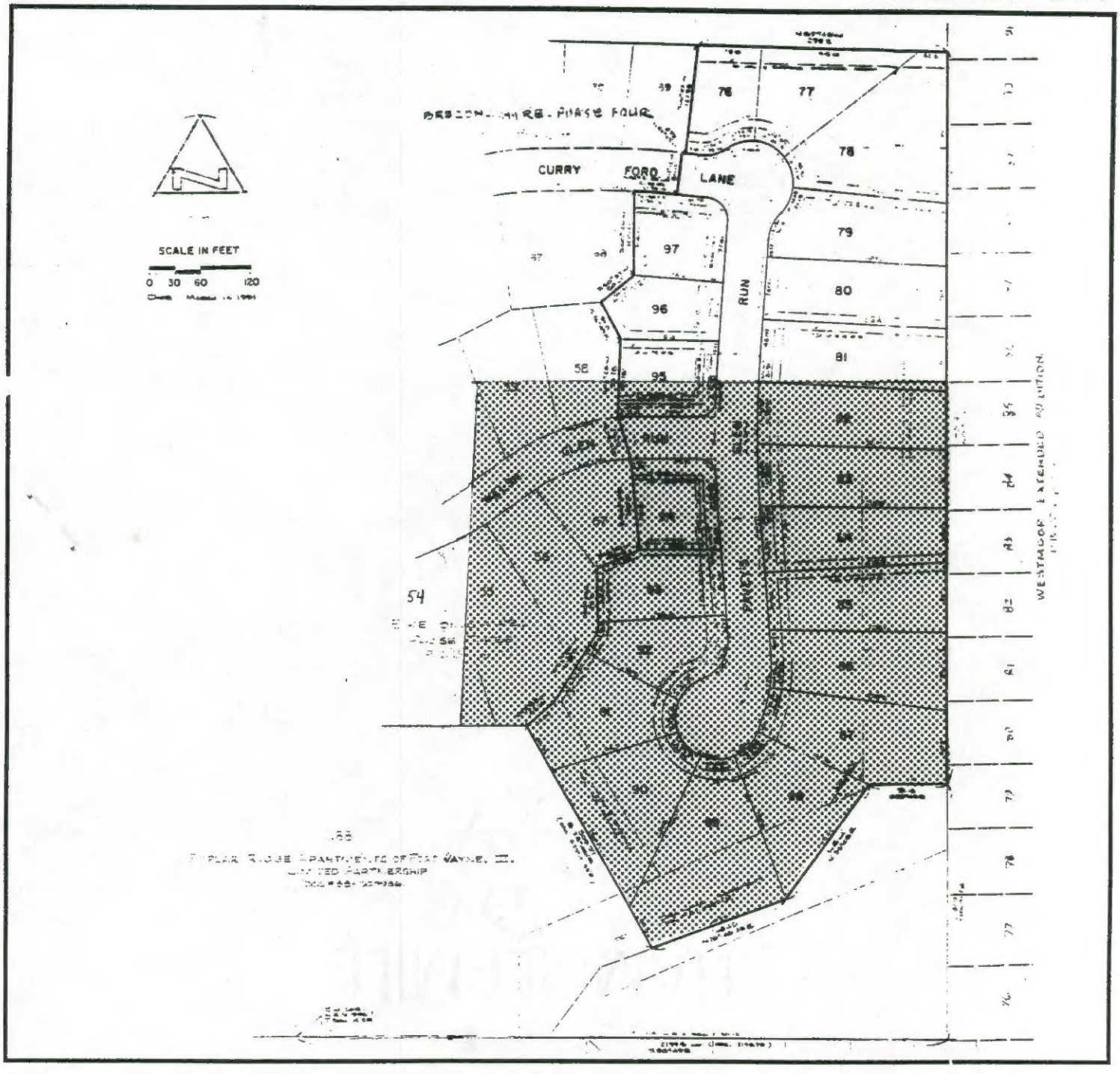
DATED: 7-5-91.

Sandra E. Kennedy
City Clerk

REZONING PETITION

AREA MAP

CASE NO. #477



COUNCILMANIC DISTRICT NO. 4

Map No. E-2
LW 5-23-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		